

# **EXHIBIT E8**

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

KIRK VON SALZEN and  
JANET VON SALZEN,

Plaintiffs,

vs.

AMERICAN INTERNATIONAL  
INDUSTRIES INC., (sued  
individually and as  
successor to PINAUD, INC.,  
BARBARA ALICE, INC., ED  
PINAUD, INC. d/b/a ED.  
PINAUD, and NESTLE-LE MUR  
COMPANY); et al.,

Defendants.

Case No. JCCP 4674/  
BC680576

DEPOSITION OF

WILLIAM E. LONGO, PhD

June 27, 2018

11:28 a.m.

11555 Medlock Bridge Road, Suite 100  
Johns Creek, Georgia

Debra R. Luther, RMR, CRR, CCR-B-881

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(Original Exhibits 1 through 7 and 9

through 12 have been attached to the original  
transcript. Exhibit 8 was not provided to court  
reporter at time of production.)

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12:49:31 **1 cross-examined in trial --**  
 12:49:33 **2 Q. Okay.**  
 12:49:34 **3 A. -- that others believe that have some**  
 12:49:37 **4 impact on, which it doesn't. We use less material.**  
 12:49:43 **5 I pick the 90 minutes centrifuge time versus I**  
 12:49:49 **6 think -- trying to remember -- she may have said**  
 12:49:52 **7 10 minutes.**  
 12:49:53 **8 The heavy density liquid that we use is**  
 12:49:58 **9 2.85 grams per centimeter cubed; she uses 2.81 grams**  
 12:50:05 **10 per centimeter cubed. And of course she uses**  
 12:50:09 **11 polarized light microscopy, and we use transmission**  
 12:50:14 **12 electron microscopy.**  
 12:50:14 **13 Q. Does she place the vials in a furnace to**  
 12:50:19 **14 remove any organic material?**  
 12:50:22 **15 A. Oh, that's a good point. No, she didn't**  
 12:50:25 **16 do that. That has to be done for the TEM. We're not**  
 12:50:29 **17 doing that for the Blount method that we're running**  
 12:50:33 **18 now, I don't think.**  
 12:50:36 **19 Q. Did she place the material in the vacuum**  
 12:50:40 **20 for 15 minutes?**  
 12:50:42 **21 A. I don't recall.**  
 12:50:45 **22 Q. If she said 3 minutes, does that sound --**  
 12:50:49 **23 A. That sounds right.**  
 12:50:51 **24 MR. NORRIS: I don't want to confuse you,**  
 12:50:52 **25 so let's just make sure we're all on the same**  
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12:50:56 **1 page. Let's mark as Exhibit 9 the Blount paper.**  
 12:51:18 **2 (Defendant's Exhibit 9 was marked for**  
 12:51:34 **3 identification.)**  
 12:51:34 **4 Q. (By Mr. Norris) You see on the second**  
 12:51:46 **5 page, top right-hand corner, it's 3 minutes? Any**  
 12:51:54 **6 reason why you chose 15 minutes?**  
 12:51:56 **7 A. Just to make sure it completely outgasses,**  
 12:51:59 **8 which was the point of that, remove air bubbles.**  
 12:52:08 **9 Q. Did Blount described preparing and mixing**  
 12:52:14 **10 the samples with the disposable mixing rod?**  
 12:52:17 **11 A. No.**  
 12:52:21 **12 Q. But you guys do that; correct?**  
 12:52:23 **13 A. Correct.**  
 12:52:23 **14 Q. Blount set the rpm at 7,000 rpm, and you**  
 12:52:35 **15 set them at 9,000; correct?**  
 12:52:38 **16 A. That's correct.**  
 12:52:41 **17 Q. Has your modified Blount method been**  
 12:52:45 **18 published in any literature, peer-reviewed or**  
 12:52:49 **19 otherwise?**  
 12:52:50 **20 A. Our modified -- now you've got me saying**  
 12:52:54 **21 it -- our enhanced Blount method has not been**  
 12:53:02 **22 published in any peer-reviewed literature.**  
 12:53:03 **23 Q. Has it been considered and approved by**  
 12:53:10 **24 ASTM?**  
 12:53:10 **25 A. It hasn't been approved or not approved by**  
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12:53:13 **1 ASTM.**  
 12:53:13 **2 Q. Has it been considered or approved by ISO?**  
 12:53:17 **3 A. Heavy liquid density method has been**  
 12:53:20 **4 approved by ISO. Is it exactly like Blount? No.**  
 12:53:23 **5 But it does provide the same amount of -- same heavy**  
 12:53:25 **6 density material. It leaves it up to you in how much**  
 12:53:29 **7 you want to put in and gives you the option to use**  
 12:53:33 **8 PLM, SEM, and TEM.**  
 12:53:35 **9 Q. ISO gives you the option of using PLM,**  
 12:53:40 **10 SEM, or TEM?**  
 12:53:40 **11 A. Yes.**  
 12:53:40 **12 Q. But has your methodology that you follow**  
 12:53:43 **13 in these steps been approved by ISO?**  
 12:53:46 **14 A. It's not really my methodology. It's our**  
 12:53:48 **15 using of standard procedures. Is what we're doing**  
 12:53:52 **16 exactly what ISO does? No. But everything you're**  
 12:53:56 **17 talking about, of course, has no effect on the**  
 12:54:00 **18 results.**  
 12:54:01 **19 Q. In your opinion, obviously?**  
 12:54:03 **20 A. Well, it's more than that. If you just**  
 12:54:05 **21 look at it simply, you know, putting it in the vacuum**  
 12:54:08 **22 longer, well, you're not generating more air bubbles;**  
 12:54:11 **23 you're just removing them. Centrifuging it longer**  
 12:54:15 **24 times, nothing changes.**  
 12:54:16 **25 If there's nothing in there or it's below**  
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12:54:18 **1 our detection limit, it's still going to be below our**  
 12:54:22 **2 detection limit. It's just a matter of if you're**  
 12:54:26 **3 going to do it in a way that provides the best**  
 12:54:30 **4 opportunity to see if materials can be detected or**  
 12:54:33 **5 not.**  
 12:54:34 **6 Q. Okay.**  
 12:54:35 **7 A. And I appreciate the differences, but in**  
 12:54:40 **8 my opinion it doesn't affect anything.**  
 12:54:41 **9 Q. Understood. Let me just run through this**  
 12:54:43 **10 really quickly. Has your -- and with your**  
 12:54:45 **11 counsel's -- not with your counsel's permission, but**  
 12:54:47 **12 with Stu's permission, I'm going to ask a compound**  
 12:54:50 **13 question.**  
 12:54:51 **14 Has your methodology been considered or**  
 12:54:53 **15 approved by EPA, FDA, MSHA, USGS, OSHA, or NIOSH?**  
 12:55:00 **16 A. I'm not aware of any of those methods**  
 12:55:03 **17 using heavy liquid density separation for bulk**  
 12:55:08 **18 samples like talc. There are methods out there for**  
 12:55:11 **19 separating vermiculite with heavy density liquid**  
 12:55:15 **20 methods, there are methods for talc, but the ones you**  
 12:55:18 **21 have talked about, none of them are using heavy**  
 12:55:21 **22 liquid density method for talc.**  
 12:55:24 **23 Q. And I understand and appreciate your**  
 12:55:27 **24 clarification of my question or your thought process**  
 12:55:29 **25 of my question, but I am actually just asking**  
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12:55:31 **1** specific on the methodology that you use, the  
 12:55:33 **2** step-by-step methodology, have any of those agencies  
 12:55:36 **3** approved or considered it?  
 12:55:37 **4** **A. Well, they haven't considered, they**  
 12:55:42 **5 haven't said you can't do it, and they're silent on**  
 12:55:45 **6 it. The heavy liquid density separation method for**  
 12:55:49 **7 removing amphiboles in talc has not been discussed or**  
 12:55:52 **8 not been written up or not approved or disapproved by**  
 12:55:56 **9 any of those organizations.**  
 12:56:01 **10** MR. CALFO: I think you better break it  
 12:56:04 **11** up.  
 12:56:04 **12** MR. NORRIS: I know. I think so. And  
 12:56:10 **13** again --  
 12:56:10 **14** MR. PURDY: Sure. When we get to a new  
 12:56:14 **15** topic, I'll start to raise that. I mean, these  
 12:56:18 **16** just have all been asked so many times not only  
 12:56:21 **17** by -- we don't even have the different firm  
 12:56:24 **18** argument that Johnson & Johnson has for the same  
 12:56:26 **19** firm, although maybe Alston & Bird asks  
 12:56:29 **20** questions a little differently. It's just very,  
 12:56:31 **21** very, very repetitive. It's unfortunate, but go  
 12:56:35 **22** ahead.  
 12:56:36 **23** MR. NORRIS: All right. I'm going to move  
 12:56:38 **24** on from that.  
 12:56:40 **25** **Q.** (By Mr. Norris) When Blount decided on  
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12:56:43 **1** the 2.81 heavy density liquid, that was as a result  
 12:56:50 **2** of multiple tests of liquid densities ranging from  
 12:56:55 **3** below 2.1 to above 2.1; correct?  
 12:57:20 **4** I'm going to give you another document  
 12:57:22 **5** while you're looking for that answer. I'd like to  
 12:57:24 **6** mark as Exhibit 10 a publication by Blount titled  
 12:57:32 **7** Detection and Quantification of Asbestos and Other  
 12:57:35 **8** Trace Minerals, dated 1990, and that will be  
 12:57:41 **9** Exhibit 10.  
 12:57:54 **10** (Defendant's Exhibit 10 was marked for  
 12:57:55 **11** identification.)  
 12:57:55 **12** **Q.** (By Mr. Norris) I'm looking at page 560  
 12:58:41 **13** of Exhibit 10.  
 12:58:50 **14** **A. She used one type. She just adjusted it.**  
 12:58:54 **15** **We do the same thing.**  
 12:59:20 **16** **Q.** You understand that she added extra weight  
 12:59:25 **17** drop-by-drop to determine the best weight to use for  
 12:59:29 **18** this method; correct?  
 12:59:30 **19** **A. That's not really what she's doing. She's**  
 12:59:32 **20 adding drops of water. She's mixing it to adjust the**  
 12:59:36 **21 density.**  
 12:59:37 **22** **We do the same thing. We adjusted ours to**  
 12:59:40 **23 2.5.**  
 12:59:40 **24** **She's taking one type of heavy liquid**  
 12:59:43 **25 density and she's basing it on the densities of**  
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12:59:48 **1 tremolite, anthophyllite, actinolite, and she chose**  
 12:59:52 **2 2.81.**  
 12:59:52 **3** **Q.** Because her tests indicated that the best  
 12:59:54 **4** density for a heavy liquid to separate talc from  
 12:59:57 **5** amphibole was 2.81; correct?  
 12:59:59 **6** **A. That's what she states.**  
 13:00:01 **7** **Q.** Okay. How did you go about determining  
 13:00:03 **8** 2.85 was the value you were going to use?  
 13:00:06 **9** **A. Because 2.81 -- because 2.85 is much**  
 13:00:13 **10 lower -- is still low enough than tremolite, and 2.85**  
 13:00:20 **11 is heavier, so we were trying to make it more**  
 13:00:23 **12 efficient to remove the talc because you're using a**  
 13:00:27 **13 heavier liquid than the 2.81. That was our decision.**  
 13:00:31 **14** **Q.** Did you perform tests at 2.82, 2.83, 2.84  
 13:00:36 **15** before selecting 2.85?  
 13:00:38 **16** **A. No.**  
 13:00:45 **17** **Q.** Blount in her paper mentions counting 20  
 13:00:53 **18** fields of view. Just for purposes of my -- I just  
 13:00:58 **19** want to make sure I understand and am interpreting  
 13:01:00 **20** her correctly or your understanding of it.  
 13:01:02 **21** When she says fields of view, is that the  
 13:01:06 **22** same thing as the grid openings that you're counting?  
 13:01:08 **23** **A. Yes and no. A grid opening is not a field**  
 13:01:12 **24 of view, depending on your magnification. She's**  
 13:01:14 **25 using polarized light microscopy, and she's using one**  
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13:01:20 **1 magnification. So typically a magnification of --**  
 13:01:23 **2 whatever the magnification she's using, she's saying**  
 13:01:26 **3 this is what I can see. And then she's moving it.**  
 13:01:29 **4** **In a TEM grid, your field of view at 200X**  
 13:01:33 **5 is most of the grid openings, or 50X. At 20,000 to**  
 13:01:39 **6 25,000 your field of view is approximately 1/20 of a**  
 13:01:47 **7 grid opening, and a grid opening is 100 microns by**  
 13:01:52 **8 100 microns.**  
 13:01:53 **9** **So it's two completely different things,**  
 13:01:56 **10 but we call it grid openings, and if you say I have a**  
 13:02:00 **11 200 mesh or a 100 mesh grid, then we know the size.**  
 13:02:05 **12** **Q.** Okay. All right. When you performed your  
 13:02:09 **13** calculations on how many fibers per gram were present  
 13:02:13 **14** in these samples, how did you go about performing  
 13:02:18 **15** that mathematical calculation?  
 13:02:21 **16** **A. Well, we start with 20 milligrams. That's**  
 13:02:25 **17 put into the heavy liquid density solution. After**  
 13:02:30 **18 it's spun, we take the -- we harvest the amphiboles**  
 13:02:37 **19 or the minerals that -- the amphibole minerals**  
 13:02:41 **20 technically that have a higher density than 2.85. We**  
 13:02:45 **21 filter it all onto a 20 millimeter square filter.**  
 13:02:53 **22** **From there we take the TEM samples.**  
 13:02:58 **23** **So say, for example, you find one fiber**  
 13:03:04 **24 and you're starting with 20 milligrams on the filter**  
 13:03:08 **25 and you look at 100 grid openings, so you take the**  
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13:03:11 **1 average size of the grid openings, multiply it by 100**  
 13:03:16 **2 and then divide that into the overall surface area of**  
 13:03:19 **3 the filter and then calculate one fiber found on that**  
 13:03:23 **4 100 grid openings and mathematically going back to**  
 13:03:27 **5 what it would be for what's in the entire sample in**  
 13:03:31 **6 the grid and then divide by 20.**  
 13:03:33 **7 Q. My question was not -- is there an**  
 13:03:37 **8 equation somewhere that I can look at that was used?**  
 13:03:42 **9 A. Any individual who is a TEM -- your expert**  
 13:03:45 **10 should be able to do it. Any individual who runs**  
 13:03:49 **11 TEMs or knows TEMs will know how to do this.**  
 13:03:53 **12 Q. Okay.**  
 13:03:53 **13 A. So if you think about it, you start with**  
 13:03:56 **14 20 milligrams of material.**  
 13:03:57 **15 Q. Understood.**  
 13:03:58 **16 A. That's your starting weight. We're using**  
 13:04:01 **17 everything from that 20 milligrams of material, the**  
 13:04:04 **18 heavy density liquid separates 99.9 percent of the**  
 13:04:09 **19 talc, but you're putting everything that you**  
 13:04:11 **20 harvested from the bottom of the heavy liquid density**  
 13:04:21 **21 on a 20 millimeter diameter filter.**  
 13:04:24 **22 You calculate the surface area of that,**  
 13:04:26 **23 and then you calculate how many fibers, if any, you**  
 13:04:30 **24 found on the 100 grid openings, if you count 100 grid**  
 13:04:34 **25 openings, then you take the ratio of the two, then**  
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13:04:37 **1 you can calculate back to the 20 milligrams, and then**  
 13:04:40 **2 the 20 milligrams, if you have that much in**  
 13:04:43 **3 20 milligrams, then how much is in 1 gram.**  
 13:04:46 **4 Q. Let me make it very simple. Safe to say**  
 13:04:50 **5 that you did not use the calculation that Blount**  
 13:04:52 **6 used?**  
 13:04:53 **7 A. That's safe to say because it's unclear**  
 13:04:56 **8 how Blount did her calculation. We've looked at it,**  
 13:05:03 **9 and I would need to talk to Blount. It doesn't**  
 13:05:06 **10 provide the information I believe necessary to do**  
 13:05:08 **11 that.**  
 13:05:09 **12 And it's PLM. It's not TEM. You can't**  
 13:05:12 **13 take how do you calculate how much apple is there if**  
 13:05:16 **14 you're using an orange type thing. It's totally two**  
 13:05:19 **15 different calculations.**  
 13:05:21 **16 Q. Well, let me ask you this. In your**  
 13:05:26 **17 calculation do you have to determine the efficiency**  
 13:05:29 **18 ratio of your ability to separate the amphiboles from**  
 13:05:34 **19 the talc?**  
 13:05:35 **20 A. No.**  
 13:05:35 **21 Q. Why not?**  
 13:05:36 **22 A. That has nothing to do with the**  
 13:05:39 **23 calculation. We're only -- we're calculating what we**  
 13:05:43 **24 have found, not what potentially is there. That's an**  
 13:05:47 **25 unknown.**  
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13:05:51 **1 Q. Well, do you agree that Blount's**  
 13:05:54 **2 calculation addressed an efficiency ratio?**  
 13:05:58 **3 A. She did.**  
 13:06:00 **4 Q. Okay. So another thing that is different**  
 13:06:03 **5 from Blount's method is you have not used her**  
 13:06:07 **6 calculation for determining fibers per gram; is that**  
 13:06:11 **7 correct?**  
 13:06:11 **8 A. We have not used her PLM calculation. It**  
 13:06:14 **9 has no bearing on TEM. At some point, if we could do**  
 13:06:18 **10 the research and go all the way down where we say we**  
 13:06:21 **11 find 15 million per gram and may in fact be 30**  
 13:06:28 **12 million per gram, if you start looking at the**  
 13:06:30 **13 efficiency of it.**  
 13:06:30 **14 But I just don't think that is applicable**  
 13:06:34 **15 here because she's doing this on an optical**  
 13:06:37 **16 microscopy level; we're doing it on a TEM level. I**  
 13:06:42 **17 just don't believe that's valid, what she's doing,**  
 13:06:47 **18 how repeatable that is over and over and over and you**  
 13:06:50 **19 really know what you're starting with on how many**  
 13:06:52 **20 fibers per milligram you have.**  
 13:07:00 **21 Q. Also, Blount recommended that you use an**  
 13:07:06 **22 index of refraction of 1.584. Is that purely for PLM**  
 13:07:12 **23 purposes?**  
 13:07:13 **24 A. Yes.**  
 13:07:16 **25 Q. Okay.**  
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13:07:16 **1 A. There's no light in the transmission**  
 13:07:18 **2 electron microscope. It's all electrons.**  
 13:07:24 **3 Q. Okay. What about your method is identical**  
 13:07:29 **4 to her method?**  
 13:07:31 **5 A. Identical? Since we changed the method,**  
 13:07:45 **6 there's not much identical to it because we're using**  
 13:07:50 **7 two different counting methods.**  
 13:07:51 **8 Her name gets on here as the Blount method**  
 13:07:55 **9 because at least she's the first person to publish**  
 13:07:58 **10 using heavy density liquid material and analyzing**  
 13:08:04 **11 cosmetic talc. I mean, others have done this. Even**  
 13:08:09 **12 R. J. Lee, when they issued a report -- a TEM report,**  
 13:08:14 **13 called it the Blount method. They didn't do an**  
 13:08:18 **14 identical method, and they called it the Blount**  
 13:08:21 **15 method.**  
 13:08:22 **16 You know, and Pooley proposed it; he just**  
 13:08:26 **17 called it a heavy density liquid method. When the**  
 13:08:31 **18 Colorado School of Mines proposed using this for**  
 13:08:34 **19 cosmetic talc, they just called it the heavy liquid**  
 13:08:36 **20 density method. Maybe that would have been better**  
 13:08:38 **21 and we could eliminate at least 15 minutes of**  
 13:08:41 **22 cross-examination at trial.**  
 13:08:48 **23 Q. After performing the heavy density**  
 13:09:15 **24 separation method that you used, what percentage of**  
 13:09:18 **25 the material remaining after separation is an**  
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## 1 CERTIFICATE

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4 COUNTY OF GWINNETT:

5  
6 I hereby certify that the foregoing  
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12 evidence given upon said hearing, and I further  
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15 employ of counsel for any of said parties; nor  
16 am I in anywise interested in the result of said  
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18 This, the 6th day of July 2018.  
19

20 \_\_\_\_\_  
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## 1 DEPOSITION OF WILLIAM E. LONGO, PhD /DRL

2 I do hereby certify that I have read all  
3 questions propounded to me and all answers given by  
4 me on the 27th day of June 2018, taken before  
5 Debra R. Luther, and that:

- 6 \_\_\_\_\_ 1) There are no changes noted.  
7 \_\_\_\_\_ 2) The following changes are noted:

8 Pursuant to Rule 30(e) of the Federal Rules of  
9 Civil Procedure and/or the Official Code of Georgia  
10 Annotated 9-11-30(e), both of which read in part:  
11 Any changes in form or substance which you desire to  
12 make shall be entered upon the deposition...with a  
13 statement of the reasons given...for making them.  
14 Accordingly, to assist you in effecting corrections,  
15 please use the form below:

16 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ should read: \_\_\_\_\_  
17 \_\_\_\_\_

18 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ should read: \_\_\_\_\_  
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2 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ should read: \_\_\_\_\_  
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18 If supplemental or additional pages are necessary,  
19 please furnish same in typewriting annexed to this  
20 deposition.  
21

22 \_\_\_\_\_  
23 WILLIAM E. LONGO, PhD

24 Sworn to and subscribed before me,  
25

This, the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

26 Notary Public  
27 My commission expires: \_\_\_\_\_  
28  
29  
30

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